

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Ty Shorty (YOB 1991),

Defendant.

ELECTRONIC CRIMINAL COMPLAINT

Case Number: MJ 23-04168-001-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about July 23, 2023, in the District of Arizona, within the confines of the Navajo Nation Indian Reservation, Indian Country, the defendant, TY SHORTY, an Indian, did knowingly engage in and attempt to engage in a sexual act with the victim, Jane Doe, a child under the age of 12. The sexual act involved contact between the defendant's penis and the victim's vulva, upon penetration, however slight.

In violation of Title 18, United States Code, Sections 1153, 2241(c) and 2246(2)(A).

COUNT 2

On or about July 23, 2023, in the District of Arizona, within the confines of the Navajo Nation Indian Reservation, Indian Country, the defendant, TY SHORTY, an Indian, did knowingly engage in and attempt to engage in a sexual act with the victim, Jane Doe, a child under the age of 12. The sexual act involved penetration, however slight, of the victim's genital opening by the defendant's finger, with an intent to abuse, humiliate, harass and degrade the victim and arouse and gratify the sexual desire of the defendant.

In violation of Title 18, United States Code, Sections 1153, 2241(c) and 2246(2)(C).

COUNT 3

On or about July 23, 2023, in the District of Arizona, within the confines of the Navajo Nation Indian Reservation, Indian Country, the defendant, TY SHORTY, an Indian, did knowingly engage in and attempt to engage in a sexual act with the victim, Jane Doe, a child under the age of 12. The

	at	
Date/Time		City and State
HONORABLE CAMILLE D. BIBLES		Camille D
United States Magistrate Judge		Bibles
Name & Title of Judicial Officer		Signature of Judicial Officer

ELECTRONICALLY-SUBMITTED AFFIDAVIT OF PROBABLE CAUSE

Agent Background and Introduction

1. Your affiant is employed as a Special Agent (SA) of the Federal Bureau of Investigation (FBI), and he has been so employed since March 2019. Your affiant is currently assigned to the Gallup, New Mexico, Resident Agency of the Phoenix, Arizona, FBI Field Division. In the course of my official duties, I am charged with the investigation of crimes occurring on the Navajo Indian Reservation within the Federal District of Arizona. Your affiant's primary duties include the investigation of violent crimes committed in Indian Country, to include the Navajo Indian Reservation, which is within the District of Arizona. According to the United States Department of Interior, Bureau of Indian Affairs (BIA) Federal Register, the Navajo Indian Tribe is a federally recognized Indian tribe.

2. The information contained in this affidavit is based upon your affiant's personal knowledge, training, experience, as well as information provided by other law enforcement officers and witnesses including those listed herein. Your affiant has not included every fact known to him concerning this investigation.

3. FBI has investigated TY SHORTY (YOB 1991), an Indian and enrolled member of the Navajo Indian Tribe, for acts committed within the confines of the Navajo Nation Indian Reservation (Indian Country) in the District of Arizona. Specifically, the facts and circumstances of this investigation establish probable cause to believe that on or about July 23, 2023, SHORTY committed Aggravated Sexual Abuse of a Child, in violation of Title 18, United States Code, Sections 1153, 2241(c), 2246(2)(A) and

2246(2)(C); and Assault Resulting in Serious Bodily Injury, in violation of Title 18, United States Code, Sections 1153 and 113(a)(6).

Probable Cause

4. On July 24, 2023 at approximately 3:45 AM, the Federal Bureau of Investigation was notified by Window Rock Police Department (WRPD) Criminal Investigator (CI) Farrell Begay of a reported child sexual assault committed by SHORTY, a 32-year-old Navajo male, against Jane Doe, a Navajo female, near Round Rock, Arizona, on the Navajo Nation Indian Reservation. The sexual assault was reported to have been committed on or about July 23, 2023, the day before the victim turned five years old.

FBI Interviews of U.L. and B.F.

5. FBI SAs responded to Ft. Defiance Indian Hospital (hereinafter FDIH) where an SA interviewed Jane Doe's mother, U.L.

6. U.L. stated she brought Jane Doe to FDIH to get an examination because her ex-boyfriend, SHORTY, sexually assaulted Jane Doe. U.L. reported that she and SHORTY met up on July 21, 2023 after not seeing each other for an extended period of time. U.L., Jane Doe, and SHORTY spent the weekend together at his house in Round Rock, Arizona.

7. On July 22, 2023, U.L. and SHORTY consumed a 12-pack of beer together and were asleep at SHORTY'S house by midnight. U.L. and SHORTY stayed in the same bed together and Jane Doe slept in the same room but on the floor. When they woke up on July 23, 2023, Jane Doe was acting different and not normal, according to U.L. SHORTY offered to put Jane Doe in the car, and the three left SHORTY'S residence and went to a

family property of SHORTY'S that has animals. Jane Doe didn't exit the vehicle, which U.L. thought was strange because Jane Doe usually likes playing with the animals. The three of them then traveled to U.L.'s residence in Rock Point, Arizona.

8. While at U.L.'s residence, U.L., SHORTY, and Jane Doe all fell asleep. U.L. was awakened by SHORTY having non-consensual sex with her. While SHORTY was still asleep, U.L. and Jane Doe got up. Jane Doe complained to U.L. about having pain in her private parts. U.L. and Jane Doe went into the bathroom, and Jane Doe had trouble taking her pants off. U.L. helped Jane Doe take off her pants and discovered blood coming from Jane Doe's vagina, and blood on Jane Doe's leg and clothes. U.L. asked Jane Doe what happened and Jane Doe replied, "Ty hurt me. We were at Ty's house, you were sleeping, and he hurt me." U.L. asked how SHORTY hurt her, and Jane Doe pointed to her private parts. U.L. discovered bloody sheets where her daughter was sleeping. U.L. collected the bed sheets and put them in the laundry room and the bathroom.

9. On the afternoon of July 23, 2023, U.L. contacted her friend B.F. and told her what happened. U.L. and Jane Doe went to B.F.'s house where B.F. examined Jane Doe.

10. An FBI SA interviewed B.F. on July 24, 2023. B.F. confirmed that U.L. and Jane Doe came to her residence on July 23, 2023. B.F. reported that U.L. was holding Jane Doe and Jane Doe was crying. B.F. asked what happened and Jane Doe stated, "Ty hurt me." B.F. advised U.L. that she needed to get Jane Doe examined.

FBI Interview of SHORTY

11. On July 24, 2023, FBI SAs attempted to locate and interview SHORTY at his residence, but no one answered the door. FBI SAs waited at SHORTY's residence from approximately 11:00 AM until approximately 5:00 PM. SHORTY exited the residence at approximately 5:00 PM and was detained.

12. On the evening of July 24, 2023, FBI SAs interviewed SHORTY. After being read his Miranda rights and agreeing to speak with the FBI without a lawyer present, SHORTY stated that on Saturday night after midnight U.L. passed out in his room and he and Jane Doe were still up. SHORTY took couch cushions and put them on the floor next to the bed. That is where Jane Doe went to bed. SHORTY moved U.L. out of the way to the other side of the bed so he could lay down. According to SHORTY, he laid down on his stomach and he reached his left hand out to Jane Doe, who was laying on her side. SHORTY started touching her back and butt. SHORTY inserted his middle finger into Jane Doe's butt. SHORTY then described using his ring finger to penetrate Jane Doe's vagina. He stated he was likely more aggressive using that finger. SHORTY described how he sat up on the edge of the bed over Jane Doe and masturbated. SHORTY stated he put his pre-ejaculate on his hand and then put it inside Jane Doe's vagina.

13. SHORTY stated he laid down on the ground behind Jane Doe and pulled her in close. SHORTY stated his penis was hard and he rubbed his penis around her vagina and butt. When asked if he put his penis inside of Jane Doe, SHORTY initially replied no and that he rubbed it around on the outside. When the injuries to Jane Doe were explained to SHORTY, he then stated he likely did, he probably did, and then stated he did put his

penis in Jane Doe's vagina. SHORTY stated he used his finger to reach around Jane Doe and rub her clitoris. SHORTY stated Jane Doe started to make noise and that is when he stopped and went into the living room. SHORTY was enacting sexual motions with his hands and hips during the interview.

Jane Doe's Injuries

14. On the afternoon of July 24, 2023, FBI personnel brought U.L. and Jane Doe to Flagstaff, Arizona, for a sexual assault examination of Jane Doe. A certified sexual assault nurse examiner (hereinafter SANE) began conducting the examination but stopped due to the severity of Jane Doe's injuries. According to the SANE, Jane Doe's body was torn from the vagina to the anus and she was leaking bodily fluid. Jane Doe was transported by ambulance to Phoenix Children's Hospital.

15. On the morning of July 25, 2023, an FBI SA spoke with a SANE at Phoenix Children's Hospital. According to the SANE, Jane Doe has a vaginal laceration approximately 8.5 centimeters long that required approximately 43 stitches. Jane Doe did not have any rectal injury. Jane Doe tested positive for gonorrhea and chlamydia in the anus and vagina. It is currently unknown whether these diseases are attributable to SHORTY. The injuries to Jane Doe indicate blunt force penetration into the vagina.

16. Due to her condition, Jane Doe has not yet been forensically interviewed.

Additional Investigation

17. On July 24, 2023, U.L. provided FBI with consent to search her residence. FBI recovered the following items all stained in an unknown, red substance consistent with the appearance of blood: bed sheet, mattress protector, children's jeans, two pair of

children's underwear, blue sweat pants, two towels, pajama pants, and a bathroom floor mat.

18. On the evening of July 24, 2023, law enforcement searched SHORTY's residence pursuant to a federal search warrant in 23-04167 MB and SHORTY's consent. FBI recovered the following items: A cushion cover stained in an unknown, red substance consistent with the appearance of blood; the remaining cushion covers; swabs of red stains on the floor underneath the couch; and a portion of a rug that was stained in an unknown, red substance.

19. SHORTY is an enrolled member of the Navajo Indian Tribe and possesses 4/4 Navajo Indian blood, according to his Navajo Certificate of Indian Blood.

CONCLUSION

20. This Affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. Based on the foregoing, your affiant believes there is probable cause that on or about July 23, 2023, TY SHORTY committed Aggravated Sexual Abuse of a Child, in violation of Title 18, United States Code, Sections 1153, 2241(c), 2246(2)(A) and 2246(2)(C); and Assault Resulting in Serious Bodily Injury, in violation of Title 18, United States Code, Sections 1153 and 113(a)(6).

21. Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

July 25, 2023

Executed on (Date)



Timothy Chan
Special Agent, FBI

 X Sworn by Telephone

Date/Time: _____

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Bibles Camille D Bibles
Date: 2023.07.25
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HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge